

On April 24, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11537. Adulteration and misbranding of sage. U. S. v. McIlvaine Bros., Inc., a Corporation. Plea of guilty. Fine, \$200. (F. & D. No. 16963. I. S. No. 15964-t.)

At the December, 1922, term of the United States District Court, within and for the Eastern District of Pennsylvania, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against McIlvaine Bros., Inc., a corporation, Philadelphia, Pa., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 10, 1922, from the State of Pennsylvania into the State of New York, of a quantity of sage which was adulterated and misbranded. The article was labeled in part: "McIlvaine's McIB Whole Sage * * * McIlvaine Brothers * * * Philadelphia."

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of Greek sage and contained no pure whole sage.

Adulteration of the article was alleged in the information for the reason that its strength and purity fell below the professed standard and quality under which it was sold in that it was sold as pure whole sage, that is to say, *Salvia officinalis*, whereas, in truth and in fact, it was Greek sage, that is to say, *Salvia triloba*.

Misbranding of the article was alleged for the reason that the statements, to wit, "Whole Sage" and "Pure," borne on the packages containing the said article, regarding the article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article was pure whole sage, that is to say, *Salvia officinalis*, whereas, in truth and in fact, it was not pure whole sage but was Greek sage, that is to say, *Salvia triloba*. Misbranding was alleged for the further reason that the article was a product composed in whole or in part of Greek sage, that is to say, *Salvia triloba*, prepared in imitation of and offered for sale and sold under the name of another article, to wit, whole sage, that is to say, *Salvia officinalis*.

On June 15, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11538. Adulteration and misbranding of vinegar. U. S. v. 45 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16984. I. S. No. 155-v. S. No. E-4227.)

On November 18, 1922, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 45 barrels of vinegar, remaining unsold in the original unbroken packages at Waterbury, Conn., consigned by the Powell Corp., Canandaigua, N. Y., alleging that the article had been shipped on or about September 16, 1922, into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Cider Vinegar Made From Apples Reduced To 4% * * * Man'fd By The Powell Corp Canandaigua, N. Y."

Adulteration of the article was alleged in the libel for the reason that distilled and evaporated apple products vinegar had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the labels on the barrels containing the article bore the following statement, "Pure Cider Vinegar Made From Apples," which was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, cider vinegar.

On May 23, 1923, the Powell Corp., Canandaigua, N. Y., having appeared as claimant for the property and having consented to the entry of a decree, judg-